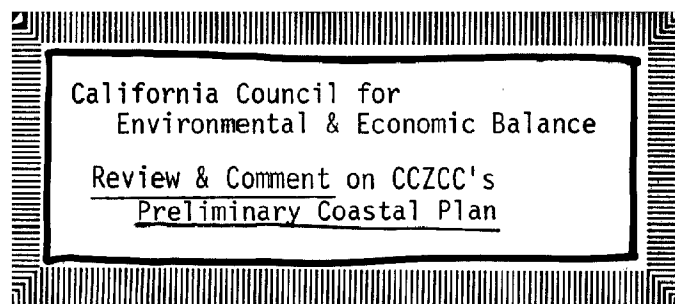


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California Council for Environmental & Economic Balance

2 CALIFORNIA COASTAL ZONE

CONSERVATION COMMISSION

PRELIMINARY COASTAL PLAN

REVIEW AND COMMENT

by

CALIFORNIA COUNCIL FOR ENVIRONMENTAL  
AND ECONOMIC BALANCE

May 27, 1975

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## I. Introduction

The proposed Preliminary Coastal Plan is of vital concern to the membership of the California Council for Environmental and Economic Balance. Our members represent a broad range of interests -- from the business sector, labor unions and public leaders to other concerned individuals throughout the state, including educators, attorneys, conservationists, and minority leaders. The Council was created to provide a forum where all interests committed to a balanced course of environmental improvement and continued economic growth can respond to such problems as faced today.

Since the Fall of 1973, when the Council's Executive Committee met with Melvin Lane, Chairman of the State Commission, the California Council for Environmental and Economic Balance has been committed to participating in the development of a balanced plan for the conservation and utilization of the coastal zone.

The Council has served on the statewide review panel on draft elements, testified at all State Commission hearings on the draft elements, testified at regional hearings and conducted a continuing dialogue with commissioners and staff. The Council's purpose has been to provide input to the planning process from the labor, business and community leaders who comprise the Council's membership. We have indicated support of policies where merited and indicated constructive criticism where it was felt policies were not in the broad public interest.

## II. Key Issues in Coastal Plan

As the Preliminary Coastal Plan has developed a number of key issues concerning coastal management have emerged which are of primary importance to the Council. They are:

- The economic impacts of the coastal plan.
- The impact of the process of government in the coastal zone and affected inland areas.
- The impact on the ability to provide for the energy needs of California and the nation.
- The impact on orderly, controlled development in the coastal zone.
- Provision for increased access to the coast for recreation purposes.
- Adequate safeguards for the rights of private property owners in the coastal zone.
- The need for a precise, comprehensive definition of the public interest in the coastal zone.
- The provision for a population element for establishment of maximum population densities, as required by Section 27304 of the California Resources Code.
- Compliance with the Federal Coastal Zone Management Act.

### III. The Planning Process

The Powers, Funding and Government element of the Coastal Plan is the most critical one which the Coastal Commission will consider. It is axiomatic that planning, no matter how well conceived, is a futile exercise in the absence of a process that affects implementation.

The California electorate in 1972 made the policy decision that there is a statewide interest to be served in the conservation of coastal resources. The Legislature will provide the forum for evaluating whether the Coastal Plan adequately meets those interests. Whatever the outcome of that evaluation, it assuredly will result in a need to provide a continuing mechanism for reflecting the ongoing state interest in coastal resources.

For the past year when concern was expressed about the resolution of conflict in the individual plan elements the standard answer has been that the plan would be pulled together by the Powers, Funding and Government element. When concern was expressed over the potential costs and method of funding ongoing coastal planning, interested parties were told these questions would be answered in the recommendations on Powers, Funding and Government.

Yet, the draft of the Preliminary Coastal Plan, contains no recommendations for implementation of the plan two years in the making. Instead, it contains a tacked-on sub-regional planning process and a series of alternative proposals for the governmental structure, powers and method of funding of the plan. Now it appears some of the public will be given the opportunity sometime in August to comment at one public hearing on this most important part of the Preliminary Coastal Plan.

In a letter to the People of California transmitting the draft of the Preliminary Coastal Plan, State Commission Chairman, Melvin Lane stated, "This report contains the Preliminary Coastal Plan. It has been developed through the work of the seven Coastal Commissions, helped by thousands of Californians who have reviewed draft proposals, attended informational forums, and testified at hearings on the various Plan elements."

The summary of the Preliminary Coastal Plan states that it is a "constitution for the coast." It is a constitution without its most critical aspect -- the form of governance. Fortunately, the State Commission has acceded to legislative pressures and a rising storm of protest and has agreed to hold at least one public hearing on the implementation process before it is submitted to the Legislature.

#### IV. Council Recommends Further Hearings

It was originally stated that the Preliminary Coastal Plan would be subject to hearings throughout the state, including inland areas. The May 20 hearing, because of legislative pressure, appears to have been designed to satisfy that need. People living in inland parts of California had only this opportunity to comment on a coastal plan that will channel developmental impacts away from the coast and into their areas, force siting of energy generation facilities in their communities, and impose the increase costs of government resulting from coastal conservation, preservation and restoration upon them.

Finally, it now appears that the current series of hearings in coastal cities and counties, as a practical matter, will be the only opportunity for public comment on the final plan, even though it is only in preliminary draft form. No hearings are scheduled on the revisions to be made in the plan as a result of the current hearings. As it now stands the Legislature will be asked to consider a final plan, or proposed legislative package, that will not have been subject to public comment. This is wrong especially in light of the fact that the claim has been made of "broad public participation" in the planning process.

#### Recommendations

The Council strongly recommends that:

- Additional hearings be held in inland areas of the state on the entire preliminary plan.
- Hearings be held on the revised plan prior to submission to the Legislature. Or, at the very least:

- More than one hearing be held on the final recommendation for Powers, Funding and Government. If time constraints due to printing lead times are the major problems, it is recommended that the Powers, Funding and Government element be printed separately from the remainder of the plan by a private printer.

V. Structure of the Preliminary Plan

a. Compliance with California Coastal Zone Conservation Act.

This preliminary plan does not comply with the mandatory provisions of the enabling legislation, Proposition 20, the California Coastal Zone Conservation Act. This plan fails to: 1) define the public interest; 2) define the ecological principles and assumptions to be used in determining the suitability and extent of allowable development; and, 3) does not contain a population element.

The failure to include these required elements in the Preliminary Coastal Plan means that the plan has been developed without a clear, specific definition of the public interest in the coast or of consideration of the optimum people needs in relation to natural resources requirements in the coastal zone. For a plan to be developed without some estimation of the public interest and some estimation of population densities means that there is no logical framework for assessing long-term impacts of policies suggested or alternative development patterns that might result from plan implementation.

b. Compliance with Federal Coastal Zone Management Act.

The Preliminary Coastal Plan was funded in part by federal grants under the U. S. Coastal Zone Management Act of 1972. (Public Law 92-583.86 Stat. 1280). The Commission is now aggressively seeking an additional grant. It appears that the Preliminary Coastal Plan is not in compliance with the Coastal Zone Management Act and the Department of Commerce (National Oceanic and Atmospheric Administration) Coastal

Zone Management Program Approval Regulations. The Regulations are to provide guidance in the development of programs and for awarding grants under Section 306 of the Act. These regulations were modified and promulgated in the January 9, 1975 Federal Register (40 F.R. 1683-1689) and cited as 15 CFR, Part 923.

The Preliminary Coastal Plan, as it presently stands, does not appear to comply with the following specific sections of the regulations:

"- 923.1 Policy and Objectives - (b) Coastal zone management programs developed by the States shall comply with the policy of the Act; that is, the program must give full consideration to ecological, cultural, historic and esthetic values, as well as to needs for economic development." (123.4, emphasis added.)

In the section on Development, in the Preliminary Coastal Plan, the basic policy governing coastal zone development does not deal specifically with economic development. It states, "The basic goals and policies governing development in the coastal zone should be the protection and enhancement of natural resources and man-made resources, favoring of coastal-dependent uses over other development on the coast."

Economic development is not specifically mentioned. There is no attempt to provide an economic impact analysis of coastal plan policies. There is no attempt to even provide a cost estimate of the public costs of the Preliminary Coastal Plan. It is clear that the proposed plan does not

comply with subsection (c), paragraph (1) in the Federal regulations which calls for a "balanced and comprehensive program" and subsection (b) (4) that addresses "economic development of selected coastal zone areas." The policies on development are in fact policies that place restrictions on coastal development and therefore the Coastal Plan does not comply with sections 305, 306, and 307 of the Federal Act.

- 923.44 Applicability of Air and Water Pollution Control Requirements. "Notwithstanding any other provisions of this part, nothing in this part shall in any way affect any requirement (a) established by the Federal Water Pollution Control Act, as amended...or the Clean Air Act, as amended...or (b) established by the Federal Government or by any State or local government pursuant to such Acts." The coastal program must be developed in close coordination with the planning and regulatory systems already being implemented by the Air Resources Boards and Water Quality Control Boards. "Such requirements shall be incorporated in any program developed pursuant to these guidelines and shall be the water pollution control and air pollution control requirements applicable to such programs." This is a specific statutory requirement (307f) that reflects the overall objective of a "unified state management of environmental laws, regulations and applicable standards."(Emphasis added.)

The following policies are in conflict with this requirement. Policies covered by the Federal Water Pollution Control Act are: 6, 10, 11, 13, 20, 118 and 146; policies

covered by the Federal Clean Air Act are: 43, 44, 134 and 149. These "preliminary" policies propose to establish a new, duplicative layer of authority rather than a unified state management system. There is no provision for coordination with respect to already existing laws, regulations, and existing regulatory agencies.

- 923.12 and 15CFR 920.12 Permissible Land and Water Uses which have a Direct and Significant Impact on Coastal Waters states, "...in determining permissible uses, States should give consideration to requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels..."

The policies of the Preliminary Coastal Plan relate virtually only to restrictions on such development needs. There is no "operational definition of 'direct and significant impact'." Additionally, subsections (a)(2) and (b)(2), subsections (i), (ii), and (iii) require "at a minimum... an inventory of natural and man-made resources" in order to "define permissible uses as those which can reasonably and safely (be) supported by the resource, which are compatible with surrounding resource utilization and which will have a tolerable impact upon the environment." Reasons for prohibiting development, citing evidence, shall be given.

These sections of the federal regulation also state, "Development indices for determining environmental and economic impact--beneficial, benign, tolerable, adverse--is the first step needed to give substance and clarity to those uses which are permissible." (Emphasis added.) This

clearly and admittedly has not been accomplished in the Preliminary Coastal Plan.

Finally, 923.15 of the federal regulations requires that in establishing permissible uses, the agency must also be cognizant of the requirement in section 306(c)(8) of the Act that the management program must provide "for adequate consideration of the national interest involved in the siting of facilities meeting requirements which are of greater than local concern." The State must have adequate processes for providing such adequate consideration in order "that such facilities not be arbitrarily excluded or unreasonably restricted...without good and sufficient reason..."

The Preliminary Coastal Plan as drafted clearly does not meet this requirement.

- 923.41 Public Hearings--requires that a hearing is conducted prior to final adoption of the total plan and all citizens of the state are "given adequate notice of the hearing and a full opportunity to effectively participate and make their views known at such a hearing." (Emphasis added.)

At present no such hearings have been scheduled on the final draft of the Coastal Plan. In view of the apparent non-compliance with other sections of the federal grant regulations, it would seem extremely important that such hearings be scheduled.

## VI. Economic Impact of Preliminary Coastal Plan

The federal Coastal Zone Management Act requires States to give "full consideration...to needs for economic development... while developing a balanced and comprehensive program." (subsections 923.4(b) (3) and (4), and (c) ). The Preliminary Coastal Plan virtually ignores consideration of needs for economic development. Fully 133 of the 183 policies in the plan place restrictions or outright prohibitions on development. Only one policy (164d) is a positive statement of development policy and it is then qualified to the point that it becomes a restrictive policy.

It states that high intensity development should be channeled toward existing downtown areas. However, such development cannot adversely affect coastal resources or coastal access; mass transit must be available; and, development pressure on resource areas is to be relieved through enforceable development restrictions. This is certainly not a very positive policy to give full consideration to economic development needs.\*

The federal Coastal Zone Management Act also requires development of indices for determination of economic impact. No such action has been taken by the Coastal Commission. Yet certainly there is a potentially significant economic impact of the proposed coastal policies. Indeed if there were not any economic impacts, then the Coastal Commissioners would not have fulfilled their mandate under Proposition 20.

\* It is interesting to note that the subject index to the Preliminary Coastal Plan prepared by the Lake Merced Coastal Conservation Council does not have a heading for economic development.

The proposed coastal policies will have potentially significant economic impacts by almost any measure. Approximately 22% of California's population lives in the coastal planning area, a little over one-third of the total population of the 15 coastal counties. Two-thirds of the total California work force is employed in the 15 coastal counties. The top five coastal counties -- Los Angeles, Orange, San Francisco, San Diego, and San Mateo -- employ 58.6% of the state's total work force.

Manufacturing is the number one employment category in the coastal counties, representing 73% of the state's total. 65% of all construction workers reside in the coastal counties. Wholesale and retail trade combined constitute the second largest employment category in the coastal counties, over 22% of the coastal region's total employment. The planning area of the 15 coastal counties represents 14.3% of the total employment in the State of California.

The only policy dealing with industrial development is No. 168, which states that industrial development should be concentrated in existing urbanized areas unless ... and then the policy lists a series of restrictions on industrial development. There is no policy that deals directly with commercial development with the possible exception of policy number 164, which effectively limits development.

The total retail trade in California's fifteen coastal counties was estimated at \$39.3 billion in 1974, representing 64% of the total retail trade of the state. Taxable sales by retail stores in the incorporated cities within the planning area were estimated at \$8.3 billion, in 1974, or 18.2% of the state total. Again, the

only policy that deals with retail trade is 164(c), which restricts commercial development.

Despite this tremendous impact, the Preliminary Coastal Plan does not consider its policies in relation to these factors in any positive way. Instead, the majority of the policies are directed toward placing prohibitions, restrictions and increased costs upon development. At the very least, the Coastal Commission should comply with the federal Coastal Zone Management Act and undertake an economic impact study of the proposed plan.

According to conclusions drawn from the Security Pacific Bank's California Coastal Zone Economic Study,\* a significant segment of the 38% unemployment rate suffered by construction workers is directly related to the planning process and permit procedure of the Coastal Commissions.

For example, population growth in the coastal planning area has slowed from approximately 100,000 per year in the 1960's to about 73,000 during the past five years. However, since 1970, the 15 county planning area increased in population at nearly twice the percentage rate for the balance of California, and at more than four times the rate for the balance of the coastal counties' area. There have been many assertions that the Commission's permit activities have had little effect on the building industry. The Commission's statistics on building permit applications have led many to believe that construction activities have continued unabated since 1972.

Actually, there has been a near absolute collapse in construction activity. In 1972, single family dwellings were being

\* Research Department, Security Pacific Bank, 333 Hope Street, Los Angeles, California. 2 vols., An Area Profile and Statistical Appendix.

constructed at a rate of 67,000 units. By April 1975, this had declined to an annual rate of 16,000 units, less than a fourth of the 1972 level.

46,000 multiple family units per year were constructed prior to the passage of Proposition 20. This declined to a disastrous annual rate of only 6,000 units thus far in 1975. Activity in this category is currently less than one-eighth the 1972 level.

Although the housing market has declined substantially throughout the state, it has plummeted in the coastal planning area. While the population increase in the area is twice the state's average, building activity is significantly lower.

In 1972 residential building activity in the coastal planning area accounted for 24% of the state total. Yet by April of this year it was down to less than 17%. The planning area's share of multiple family housing construction in 1972 was 30%. It is now only 21%. Although much of this decline is due to the economic pressures, the excess decline of construction activity can only be attributed to the uncertainties of the Coastal Commission's planning activity and its interim permit authority.

The Preliminary Coastal Plan's Policy No. 72 calls for construction of low and moderate income housing. Unfortunately, the price of housing, especially in the planning zone, has sharply increased -- driving possible buyers from the market. Market prices of homes in the coastal counties have increased sharply in the past five years, with a marked escalation in the rise from year to year. From October 1972, just prior to passage of Proposition 20, to April 1975, market prices of existing single family homes in the coastal planning area statewide increased 41%. Yet,

in inland areas of the same coastal counties the increase was only 27%. In other words, existing housing stock in the coastal planning area increased in price by 52% more than homes in the same counties but not in the planning area.

A reasonably typical home selling for \$40,000 in 1970 in the coastal planning area has risen nearly 63% in the past five years. In the last year alone, it rose 17% to \$65,200. In contrast, homes located in the non-planning area increased in price an average of a bit under 39% in the past five years, to approximately \$55,600 -- a difference of \$9,600.

## VII. Summary Of Policy Impacts

The Preliminary Coastal Plan would establish the primacy of the Coastal Zone and the supremacy of the "successor coastal agency." In many cases, the coastal agency would have concurrent responsibility with other functional units of state and local government. In other cases, the coastal agency would be delegated responsibilities traditionally reserved to other state agencies by the Legislature, such as in the fish and game field; and, in still other cases, it would have preemptive authority over other decisions that are presently made by other state agencies or levels of local government.

There are 42 state agencies and 82 federal agencies which have been previously been mandated direct responsibilities for the management of resources within the California Coastal Zone. The draft plan does not reduce the level of confusion; instead it aggravates the confusion by adding one more unit of government in various decision-making arenas, such as air quality, water management, and energy production and conservation. The proposed plan obviously requires drastic revisions if major interagency jurisdictional conflicts are to be avoided.

A partial listing of policy numbers that highlight the magnitude of policy impacts are as follows:

- Fourteen policies either propose acquisition or affect the acquisition process:

26, 48, 63-67, 81, 82, 88, 90,  
91, 95 and 102.

- The following policies are already being accomplished or are the responsibility of another state department:

- 19 -- Water Resources Control Board
- 20 -- Fish and Game
- 24 -- Water Resources Control Board and  
Dept. of Water Resources
- 43, 44 -- Air Resources Board
- 46, 88  
and 91 -- Dept. of Parks & Recreation
- 87 -- Dept. of Education
- 97-105 -- California Dept. of Transportation  
(CALTRANS)
- 107-110 -- CALTRANS
- 122-130,
- 132-135 -- Energy Resources Conservation and  
Development Commission

- There are 17 policies that require additional responsibilities and costs to local government and, therefore, will have to be reimbursed by state government because of SB 90.

- The "no growth" bias inherent in the Preliminary Coastal Plan is indicated by the following partial listing of policies with the cumulative effect of prohibiting development:

14, 18, 25, 26, 27, 30, 31, 32, 33,  
34, 43, 53, 54, 60, 64, 67, 72, 75,  
76, 82, 116, 147, 162, 164 and 165

- There are 4 policies that propose outright state grants of large sums of money for research, etc.
- There are 77 policies that assign new or additional powers to the California Coastal Zone Conservation Commission or its successor agency.

### VIII. Cost of Implementation

Because the Preliminary Coastal Plan is incomplete due to the lack of a Powers, Funding and Government element it is impossible to determine the cost of implementation. This is a rather major flaw in any comprehensive planning process.

There is a section in the Preliminary Plan which discusses alternatives for Coastal Regulation and Management. It includes a discussion of costs and possible sources of funds. But it is very brief, stating:

"Unfortunately, precise cost estimates cannot be provided at this time. The administrative costs will depend in large measure of the type of agency selected and, if it is a State agency, or whether or not it has regional divisions or offices. Similarly the acquisition and development costs will depend on appraised values of coastal properties at the time acquisition is proposed, on levels of inflation, etc."

The discussion then goes into a very detailed analysis of possible sources of funds.

The people of California are being asked to accept a massive planning and regulatory program directly affecting at least a quarter of the population and all of the state's taxpayers without putting any sort of a price tag on the plan. This is inexcusable, irresponsible, and unnecessary.

In September, 1974, the State Coastal Commission staff published a background study on the Government, Powers and Funding of the California Coastal Zone Management. Beginning on page 83 there is an extensive discussion of some costs to implement the coastal plan. It is interesting to note that this discussion has not appeared in any subsequent draft nor in the Preliminary Coastal Plan.

Highlights of the State Commission staff discussion of costs of implementing the plan are as follows:

- "Costs of planning, regulation and enforcement could range from \$3.7 to \$7.5 million annually, depending on the permit jurisdiction and intensity of planning efforts." (Page 84)

- "In addition to planning and regulatory requirement various elements prepared for the coastal plan contain policies which call for or imply the need for funding of new programs...Many of these funding requirements represent new costs...Others involve major new commitments of resources..." (Page 84) No cost figure is applied to this category.

- Public Recreation, "The State Department of Parks and Recreation has estimated that at least \$1 billion will be required by 1980 to acquire sufficient coastal areas to meet recreational demand. This is undoubtedly the single most costly item which would be included in a comprehensive program of plan implementation...If this amount were to be raised by means of a State bond issue with interest at 5% for 20 years, the annual cost to retire the bond would be about \$60 million. If funded out of annual State revenues between 1974 and 1980, the annual requirements would be in excess of \$175 million." (Page 85)

- Land Acquisition in Conservation, Restoration and Development. "On the basis of the last year's experience in permit review, an additional \$10-\$15 million annually is required to acquire lands proposed for development which should not be developed at all either because they threaten critical coastal resources--will destroy vistas or eliminate

the scenic character of parts of the coastline-- will result in intensities of development which cannot be supported consistent with coastal policies or present other problems which cannot be dealt with adequately through permit review, such as intolerable losses to property owners caused by refusal of permission to develop." (Page 85-86, emphasis added.)

This figure seems low given the admission that "intolerable losses to property owners caused by refusal of permission to develop" must be compensated.

- Research and demonstration projects. "Additional costs are required to carry out research, demonstration projects to implement coastal policies and to increase the available supply of low and moderate income housing on the coast." (Page 86) No cost figure is applied to these requirements.

- Maintenance and development of public facilities and services. "At present local governments bear a large share of costs incurred as a result of public use of the coast for recreational purposes...Increases in public use of the coast for recreational purposes...Increases in public access to the coast will require an increase in such services... both the State and Federal governments should provide greater assistance to local government in maintaining services necessary to public use of the coast for recreational purposes..." (Page 86-87) No cost figure is given to these requirements.

- Financing the coastal restoration agency and supplemental financing for other State agencies. "Initially, the (restoration) agency should have access to an amount ranging from \$50 to \$100 million in capital to begin an active program. It could obtain this amount either by an appropriation from available funds in one year or by issuance of revenue bonds."

A partial summary of these already identifiable and, where available, the quantified costs is as follows:

Planning, Regulation & Enforcement: \$3.7 million to \$7.5 million, annually

Public Recreation (1974-80): \$1.0 billion

Land Acquisition: \$10-\$15 million, annually

Restoration: \$50-\$100 million, one time

Oil Spill Liability Fund: \$100 million, one time

New Programs: No cost figure available

Research and Demonstration project: No cost figure available

Maintenance/Development of public facilities and services: No cost figure available

Public Acquisition of a continuous strip of coastline: No cost figure available

Establish a coastal trails system: No cost figure available

Based on these figures, a minimum public cost for the Preliminary Coastal Plan would be about \$368,000,000 for the first year. This figure does not include other services listed in the report and it does not include other major and minor public costs required by the coastal plan policies such as undergrounding of all utilities, relocation of existing highways, operation of mass transit and shuttle

services, and removal of obsolete industrial plants, among others.

It does not seem unreasonable to expect that the public, who must ultimately pay for the implementation of the proposed Coastal Plan be given some indication of the estimated cost and cost-benefit of such a program. Notwithstanding repeated State Commission staff disclaimers that such a socio-economic assessment is difficult, the people of California deserve more than ambiguous and unsupported statements that the plan will not seriously affect the economic and social well-being of all Californians. Instead of stating that the proposed coastal plan is going to cost taxpayers hundreds of millions of dollars, it appears that the available cost figures are being suppressed.

# IX. Preliminary Plan - Policy Review

## A. Marine Environment

Policy 6 - (Maintain, Manage, and Restore Marine Water Quality) Water quality standards should be adequate to meet State and Federal requirements under the Federal Water Pollution Control Act of 1972 as required in the Federal Coastal Zone Management Act of 1972.

Policy 9 - (Avoid Adverse Effects of Thermal Discharge and Entrainment) See comment, Policy 6 above.

It is interesting to note that Policy 9 (d) calls for erection of cooling towers (except in the central coast region where it is prohibited). By their nature, these closed cycle cooling towers require great amounts of water which is evaporated into the atmosphere, unlike that of "once through" cooling systems. This is further restriction on industries' ability to site on the coast in order to take advantage of virtually unlimited ocean water, rather than already scarce inland fresh waters, as a cooling or warming medium. As evidenced by the rejection of the permit requested to develop Encina Unit 5 (F-0451), Policy 54 (see below) would preclude such development that significantly blocks views of the coast. Taken together, these policies are conflicting with the result that any industrial plant that must make use of water resources as part of its process cannot be sited in the coastal zone.

Perhaps more important is another conflict. Throughout the energy conservation element it is quite apparent that the coastal commission favors fuel conservation practices. The use of cold ocean water in once-through cooling systems results in greater thermal efficiencies. This results in a decrease in use of oil

which would otherwise have to be burned in the closed cycle cooling system called for under 9 (d). Additionally, such savings in oil would help to reduce air pollution while also reducing the costs for generation of electricity.

Policy 10 - (Strictly Regulate Release of Oil and Other Toxic Substances) See comment, Policy 6 above.

Policy 11 - (State Should Enact Oil Spill Liability Measures) See comment, Policy 6 above. These measures are adequately covered by provisions of the Federal Water Pollution Control Act.

Policy 13 - (Control Runoff That Degrades Coastal Waters). See comment, Policy 6 above.

#### B. Coastal Land-Environment

Policy 25 (Establish Comprehensive Watershed Management). The California Department of Water Resources is the appropriate agency to fulfill this responsibility since it is already concerned with watershed data. The creation of a new watershed management agency will result in unnecessary overlap and duplication of governmental regulation.

Policy 25 (a) - (Development Decisions Should Relate to Water Management Plans.) (b) (Development Should Not Adversely Affect Local Water Resources). Under this policy, any new development proposal must demonstrate that no adverse impact will be created either directly or indirectly on coastal zone resources. Since virtually every development (especially as defined in this plan) would have some degree of direct or indirect adverse impact this policy amounts to a flat prohibition on development.

Policy 30 - (Preserve Prime Agricultural Lands). The requirement of making a showing of "no alternative location that would result in less environmental damage" in unnecessarily

restrictive and amounts to a virtual prohibition on conversion.

This policy clearly contemplates a 100% preservation standard regardless of the fact that actual productive agricultural lands are undergoing a net increase in California of nearly 50,000 acres per year. Absolute loss of highly productive agricultural lands to urban uses has been estimated by the Office of Planning and Research at only 15 to 20,000 acres per year throughout all of California.

Much has been said about the fact that land that is prime for agricultural uses also tends to be prime for (or easily adaptable to) urban uses. While this is true, the notion that agricultural uses ought to be preferred in every instance when such conflict occurs would seem to violate the most elementary tenets of comprehensive land use planning. As a practical matter, since prime land (both by soil classification and productivity definitions) frequently occurs in patchy as opposed to regular patterns, the result of application of this principle in urbanizing areas would probably stimulate more discontinuity of urban development patterns than present practices, and would virtually landlock many cities of significant size.

Policy 31 - (Maintain Non-Prime Agricultural Lands).

As presently written, this policy is more stringent than Policy 30. It would unreasonably exclude the multiple use of low grade agricultural or grazing land. It also intrudes on the rights of owners of such lands to convert sub-economic land to more productive use.

Policy 32 - (Permit only Agriculturally-Related Development on Agricultural Lands.) There are compatible multiple uses

of agricultural properties that are reversible and do not adversely affect preservation of prime agricultural land. These uses should be allowed.

Policy 35 - (Specifically Designate Use of Remaining Agricultural Parcels in Highly developed Areas.) The criteria established for withholding conversion of lands because they have been in agricultural use for two seasons in the past 10 years is unrealistic. It should apply only to lands in current productive use for agriculture.

A major problem of the cumulative effects of these policies (30-35) is that agricultural land probably contains within it various types of land in which the state may already have different levels of interest, and does not directly include a number of factors (such as climate and water availability) which also exert a major influence on productivity. For example, the class 1 and 2 soils in the San Joaquin Valley may be the most versatile lands in the state and have considerable potential for producing staple commodities, but they are virtually useless without water. By contrast, prime agricultural lands along the coast produce the luxury specialty crops (artichokes, Brussels sprouts, leafy vegetables, ornamentals) for which California has gained an international reputation. However, few of these lands are capable of producing staples effectively, and as a practical matter, the primary justification for their agricultural preservation, as proposed in the Preliminary Coastal Plan, appears to be that of saving scenic urban amenities.

While there is no inventory of land effectively preserved at the local level by means other than Williamson Act contracts

(such as by exclusive agricultural zoning and the implementation of open-space elements in general plans), it seems probable that operating under a general mandate from the state, local government could probably achieve 90-95% preservation with a minimum of inequity and a maximum of local planning interrelation. However, the Preliminary Coastal Plan policies give local government absolutely no latitude in confronting its mandate to the existing general plan and zoning ordinances, and might require another wholesale revision for conformity if the Legislature adopts the coastal plan without revision. This is a very real problem inasmuch as the State Coastal Commission will probably attempt to have the plan adopted by reference only. In other words, they will attempt to have it given the force of law by reference, rather than actual statutory adoption.

Policies 37-39 - (Dealing with Forestry Practices).

This is properly the responsibility of the California Division of Forestry and the State Forestry Board. Coastal agency authority for approval of projects should not duplicate the authority of existing regulatory agencies. Under the California Environmental Quality Act, the Legislature has guaranteed participation in the environmental review program for necessary input in the decision-making process to whatever coastal successor agencies the Legislature authorizes, whether it be a State planning body, a Coastal Planning Commission or local government. Coastal protection must be balanced against protection of inland resources. This balancing role can only be performed by an agency with statewide authority, not just coastal authority. The state forestry program has been charged with this specific function, to

examine economic and social impacts, as well as environmental needs. A coastal agency simply cannot perform these roles from its limited coastal and environmental perspective.

Policy 43-44 (New Developments Shall Protect Air Quality and Stress Maintenance and Restoration of Coastal Air Quality). Both of these policies are adequately covered by existing federal, state and local air quality regulations under the Federal Clean Air Act of 1970 as required by the Federal Coastal Zone Management Act of 1972. (See discussion above, and pages 8-9)

C. Appearance and Design

Policy 47 - (Evaluate Development to Protect Coastal Viewshed). "Coastal Viewshed", inasmuch as it is not defined, is distressingly broad and vague. It is doubtful that the definition can be made operational for review. This amounts to another "permit zone" for an indefinite area certainly larger than the proposed basic permit zone.

Policy 50 - (Establish a Design Review Process). This policy also implies another extension of the permit process for the entire coastal viewshed. This policy should be restricted to specifically designated areas of "high scenic value".

Policy 54 - (Prevent Development from Blocking Coastal Views). As written, this policy could be used to deny any development throughout the entire coastal zone. As discussed above, specific areas and significant viewsheds of regional benefit should be defined. Application of this policy is described above, page 24.

Policy 59 - (Minimize Visual Impact of Utility Structures). This policy requires undergrounding of utilities. There is no attempt to apply a cost-benefit analysis to what is obviously a very expensive policy that will be passed on to the consumers of utility services. This policy should be subject to economic feasibility tests.

Policy 60 - (Screen Public Service Facilities From View). This prohibits location of such facilities along the immediate shoreline unless there is no less environmentally damaging alternative. There is no definition of "immediate shoreline" and there is no test for the economic cost-benefit of such a restriction.

D. Public Access to the Coast

Policy 62 - (Guarantee Traditional Public Use of the Coastline). This policy sets forth a legally erroneous declaration of existing constitutional, statutory and case law respecting the right to use property inland from the mean high tide line. It presumes that rights have been acquired under the "custom" doctrine, as well as "implied dedication". It then recommends that legislation be enacted to reflect this interpretation. This policy contradicts the principle of just compensation when development rights of the individual are denied to obtain state-wide public benefits.

Policy 63 - (a)(Require Access Through New Developments). The imposition of a fee on coastal developments for purchasing in lieu access when the public agency does not require access through the particular property being developed strikes at the long held principle of equity. (c)(Expand Enabling Legislation

for Requiring Dedications). The recommendation to amend the Subdivision Map Act to provide Coastal Agency review of local determinations and extend the Statue of Limitations from 3 to 10 years underscores the Commission's evident distrust of local government.

Policy 64 - (Public Ownership and Regulation of Coastal Strip). This policy neither estimates the cost of acquiring this continuous strip of coastline nor requests that the Legislature provide funds for this purpose. It can be concluded that new coastal developments will be permitted only if the developer relinquishes a strip of property up to several hundred yards wide. This amounts to expropriation. It is being specifically implemented by the San Diego Regional Coastal Commission in staff recommendations relative to the request for expansion of the San Diego Gas and Electric Company Encina 5 facility (Permit F-0451).

The State's limited resources would be more effectively employed by purchasing selected areas of special coastal resource value instead of the entire coastline.

Policy 67 - (Protect Potential Acquisition Areas). This places a moratorium on lands that may be designated for public acquisition. But it does not provide a listing of such lands or a time frame for such a listing to be made. It does not define a "reasonable period of time" for securing lands under this moratorium.

E. Equality of Access

These policies are most commendable and necessary to carry out the mandate of Proposition 20. However, the 133 of

the total of 183 policies that limit, prohibit and restrict development, and the added costs upon residential housing that further restrict low and moderate income families from purchase, will make achievement of these worthwhile policies difficult, if not impossible.

#### F. Recreation

Policy 75 - (Consider Public Recreational Potential Before Allowing Other Uses). This policy would require the evaluation of each shoreline property for possible recreation use before any development is permitted. If implemented, it would put a moratorium on all undeveloped coastal frontage. When this policy is superimposed on policies in the "Public Access to the Coast" section, the impact of development prohibition in the absence of any precise acquisition plan is even more apparent.

Policy 76 - (Commercial Recreation Takes Priority Over Other Private Development). This policy further reinforces Policy 75. Private residential, general commercial, or general industrial development is prohibited unless it can be demonstrated that the site is clearly inappropriate for commercial recreation uses or that present and foreseeable future demand for commercial recreation uses is already adequately provided in the area. Since the State Department of Parks and Recreation estimates that there is a requirement to acquire one billion dollars of coastal property by 1980 to meet public recreational uses of the coast it is unlikely that this test will ever be met. Therefore, it represents yet another prohibition on coastal development which is in direct conflict with other policies of the plan, especially those with regard to equality of access.

Policy 77 - (Provide a Variety of Recreational Uses near Metropolitan Areas). This policy is totally contradictory within itself and in context with other policies and should be deleted.

Policy 82 (c) (Balance Development with Open Space and Recreation Facilities-Delay Development Until Plans Adopted). This policy represents another prohibition on development. Residential development is placed in moratorium until local governments develop and adopt specific recreation plans to include financing methods and an acquisition timetable. It is ironic to note that the Coastal Commission has required this degree of specificity of local government when it has avoided doing the same for its own plan.

Policy 95 - (Increase Funds for Coastal Recreation Facilities). This calls for increased funding to provide recreation facilities but does not discuss the total cost of proposed programs.

#### G. Transportation

Policies 91 (Establish a Coastal Trails System), and 101 (see below) are conflicting. There is a lack of concern for the principle of equity. 91 (e) calls for dedication of private property for bike trails. Yet, policy 101 and 91 (a) requires the use of eminent domain. It is a matter of fair play and fundamental to long held beliefs, as well as constitutional rights, that property shall not be taken for general public benefit without just compensation to its owner.

When society concludes that a particular piece of property should not be developed to a permitted use, or should

be dedicated to the public, in effect it has taken property rights. That property owner should be compensated.

If one has already exercised development rights, policy 91 (a) states that the coastal commission shall use eminent domain powers to compensate for acquiring property for bike trails. Yet, if one attempts to build a home on a vacant piece of property he would be required to dedicate a portion of his property.

Policy 97 - (Plans Should Consider Coastal Concerns). This is not needed; there is no basis for an additional weekend component. That is being taken into account by sound planning principles used by Cal Trans and the State Transportation Board in development of the California Transportation Plan.

Policy 98 - (Review of Coastal Transportation Plans), must be considered in conjunction with Policy 183 which calls for further planning. In other words this is a plan to do a plan. It does not meet the mandate of Proposition 20 which calls for an implementable plan. Additionally, it is an unnecessary duplication of existing state programs.

Policy 99 - (Relate Land Use Decisions to Transportation Capacity). It states that somewhere the Preliminary Coastal Plan indicates "remaining capacities". But this and its necessary documentation cannot be found. It is a theoretical concept, lacking any real world application. It is reasonable to conclude that "capacity budgeting" is to be used to preclude development. This policy and Policy 100 (Restrain Expansion of Coastal Roads Capacity) are premised on the belief that once road capacity in a given area is approached, additional capacity should not be

provided because it could lead to further development. This view is similar to arguments that water, sewage, and other necessary facilities should not be expanded to meet new requirements because of the growth-inducing effects they create. On such a basis, the freedom of citizens to travel and locate where they wish is restricted and the government's responsibility to provide adequate services is ignored.

Policy 101 - (Develop Alternatives to Excessive Use of Coastal Roads). To reduce pollution on the coast, this policy proposes to further impact inland areas by requiring that major transportation routes and public transportation systems be located "sufficiently far inland".

Policy 103 - (Restrict Road Access to Sensitive Areas), refers to Policy 86. and, Policy 86 proposes further study. This amounts to another additional delay.

Policies 43 and 106 (New Development Must Fully Meet Parking Needs) are in direct conflict. First, the plan calls for "in lieu" fees for parking spaces but then requires additional parking spaces. Additionally, Policy 106 appears to be in conflict with land use and transportation control requirements of the Federal Clean Air Act of 1970.

Policies 116-119 (No Additional Major Port Areas Required). These policies should be subject to an economic impact analysis. According to a study by the U. S. Department of Commerce, one indicator of the value of a port to the community is that for each \$15,000 of export value, one job for the entire year is provided for in inland areas. Considering only the Ports of

San Diego, Port Hueneme, Los Angeles and Long Beach, the following information was developed:

- Direct work force employed - 32,800
- Indirect jobs in the region dependent upon port activity - 400,000
- Dollar value of imports and exports in 1974-estimated \$13 billion
- Dollar value of customs receipts generated in 1974 - \$500 million

According to Security Pacific Bank's California Coastal Zone Economic Study, California's international trade has been growing at an exceptionally rapid rate in the past ten years on both a value and a volume basis. Total trade in terms of value has increased 468% during this period, or at an average rate of nearly 20% compounded annually. While exports have grown 371% during this 10-year period, imports have increased 571%. Also during this period, the trade balance for the state has reversed from a trade surplus of \$119 million to a deficit of \$3.3 billion.

In 1974, imports accounted for 57.3% of the state's total trade. Also, in 1974, California's international trade represented 11.5% of the total for the United States, compared with 8.3% in 1965. At the same time, imports through California accounted for 13.1% of the comparable U.S. total and exports accounted for 9.9% of the national total.

Estimated total traffic through California ports in the planning area has risen from 26.5 million tons in 1970 to 38.2 million tons in 1974, a 44% increase. The value of vessel shipments has grown 178% from \$3.7 billion in 1970 to \$10.4

billion in 1974, and the value of air shipments has grown 157%, from \$963 million in 1970 to \$2.4 billion in 1974.

Clearly, restriction of expansion and future development of necessary port facilities should be carefully considered in relation to their impact on the total economy of the region as well as the environmental impact on coastal resources.

#### H. Energy

Policy 122 (b) (Reduce Energy Consumption Statewide and in Coastal Developments). This policy requires that energy conservation measures recommended to the State Energy Commission be applied for an interim period "to the maximum extent feasible." This is not defined. In addition, it establishes a separate building code for coastal communities in the planning area. This policy received severe criticism at earlier public hearings and was removed. It has been re-introduced into the Preliminary Plan draft. This is certainly not responsive to public input.

Policies 123-130 (Energy Conservation Measures and Alternative Energy Sources). These measures are of statewide significance and are the responsibility of the State Energy Commission. It is not logical to establish two energy conservation policies for the state.

In adopting the Warren-Alquist Energy Resources Conservation and Development Act (AB 1575) the people of California, through their elected representatives, declared that it is the policy of the state to prevent "...delays and interruptions in the orderly provision of electrical energy, protection of environmental values, and conservation of energy resources..."; that the achievement of such goals require "...expanded authority and

technical capability within state government..."; and that, :It is the policy of the state and the intent of the Legislature to establish and consolidate the state's responsibility for energy resources..." (Emphasis added).

The Energy Commission has a broad mandate to: forecast statewide demand for electricity; determine the need for new power plants and to identify possible sites for them; to study and promote the development of new alternative energy resources and new generation techniques; prescribe and carry out new and expanded energy conservation measures; and to make recommendations for the orderly development of all potential sources of energy to meet the state's needs.

It is inappropriate for the coastal commission to duplicate this effort for the coastal zone. The State Energy Commission has been given the authority, staff and funding to develop a statewide energy program.

Policies 130-134 (Concurrent Jurisdiction for the Coastal Commission in Energy Facility Siting). The siting of energy facilities is a matter of statewide, if not national impact, and is the specific mandate of the State Energy Commission. It should not be left to a single-purpose, geographically limited coastal agency to determine the requirements for and siting of energy facilities. This is a function of the State Energy Commission and references to concurrent jurisdiction should be deleted.

In addition, the criteria under Policy 134 amount to a prohibition on coastal siting, which would result in greater loss

of agricultural production capacity in the inland areas (see discussion, pages 25ff ). This policy is also in conflict with provisions of the federal Coastal Zone Management Act which sets the provisions of the Clean Air Act of 1970 as the controlling regulations for air quality.

Policy 135 (Remove Outmoded Plants from Beach Areas First). This policy does not state who will pay for the removal of outmoded energy generation facilities.

Policy 136 (Need for Offshore Development Should Be Clearly determined). We are no longer self-sufficient as a state or a nation in the production of petroleum energy. If present trends continue we will become increasingly dependent on importation of more costly petroleum energy sources. Such a situation does not serve the public welfare and is a threat to national security.

Considering the need for increased oil and gas exploration in California and in the nation, considering the risk of oil spills, and considering the improved ability to prevent oil spills and to mitigate environmental harm if spills do occur, it appears that on balance the state and national interest is best served by reasonable development of offshore petroleum reserves.

State and national energy requirements should not be determined solely in the narrow interest of coastal protection. Further, the Coastal Commission has no constitutional authority over development in federal lands.

Policy 137 (Require Full Evaluation of Offshore Drilling Proposals). This requirement is already adequately provided for by the California Environmental Quality Act which requires an EIR on such development.

Policy 144 (Disclose Exploration and Production Data). This policy is not appropriate for the Preliminary Coastal Plan. If, in fact, such legislation is needed, it should be considered and proposed first by either the State Energy Commission or the Division of Oil and Gas.

Policy 147 (Minimize Refinery Construction Along the Coast). The cumulative impact of this policy and other related policies is to virtually prohibit construction of new refinery facilities or expansion of existing facilities. This may take the burden off the coast but it moves it to some inland location. The coast cannot be considered in isolation in terms of energy facility siting.

Policy 148 (Refinery Siting Authority). As previously discussed, this proposes concurrent authority for the Coastal Commission. It is an unnecessary duplication in light of the EIR requirements of the California Environmental Quality Act.

Policy 149 (Air Quality). Policies that are more stringent than required by federal, state and regional jurisdictions promulgated under the Clean Air Act are not in accordance with the intent of the federal Coastal Zone Management Act.

Policy 153 (Continue Tanker Terminal Planning Based on PAD V Needs). This policy appears to be in conflict with the federal Coastal Zone Management Act which requires consideration of national needs--not needs qualified by a Coastal Commission or total state control of the free market system.

## I. Development

Policy 162 (Basic Goals and Policies Governing Coastal Zone Development). The Policy states in part, "encouraging orderly, balanced development." This is the only positive statement in the plan concerning the encouragement of development. However, the remainder of the policy lists restrictions on development. Subsection (3) (Orderly Balanced Utilization of Coastal Zone Resources) states in part, "development...should be concentrated in already-developed areas or in other areas where no potential exists for significant adverse impacts on coastal resources..." This policy rather than encouraging orderly development is in effect another prohibition on coastal development since it would be very difficult to prove "no potential for significant adverse impacts".

This policy also typifies the internal conflicts of the Preliminary Coastal Plan. The requirement that "development... should be concentrated in already developed areas" is inappropriate for certain industrial and energy generating facilities, such as those which emit air pollutants. Such facilities should reasonably be dispersed in order to meet federal regulations under the Clean Air Act and to assure that air quality standards are not violated.

With regard to petroleum refineries, this policy is in conflict with other policies when it directs such facilities to "already developed areas." It conflicts with Policy 43 (a) and Policy 149 which are intended to prohibit new or expanded refineries within "critical air areas." Since "critical air areas" cover all major coastal urban areas, Policy 162 (e) creates a situation that amounts to a virtual prohibition of petroleum

refineries near the coast.

If this is the intended policy, then it should be so stated in direct concise terms and not achieved by separated, conflicting policies.

Finally, the Federal Coastal Zone Management Act requires full consideration of the need for economic development. It also requires consideration of requirements for industry, commerce and residential development. The only consideration of these vital factors is negative in the Preliminary Coastal Plan.

Policy 164 (Concentrate Development In Already Urbanized Areas), states, "New coastal development should be channeled into existing urbanized areas able to accommodate additional development..." Then the subsections of the policy list restrictions on development in urbanized areas. Subsection (d), is especially limiting. It states, "High intensity development should be channeled towards existing downtown areas and other areas within and outside of the coastal zone..." It then goes on to place the following limitations on such development: (1) development would not adversely affect coastal resources or coastal access; (2) mass transit capable of serving the development already exists or is planned and funded; and, (3) development pressure on resource areas is relieved through enforceable development restrictions.

Again, it would be difficult to find any development that would not have at least a minor adverse impact on coastal resources. This policy could be used to enforce a moratorium on coastal development even in existing downtown areas. The

basic policy is supposed to be one of concentrating development in already urbanized areas and yet it ends with a policy to relieve development pressure through enforceable development restrictions.

Policy 165 (Criteria for Division of Land). This policy amounts to another moratorium on development. It would effectively ban all division of land in the coastal zone unless all six restrictive conditions are met. It would be extremely difficult for any proposed land division for sale, lease, gift, or bequest to meet all of the conditions.

Policy 166 (Restrict Significant Developments in Areas Removed from Employment and Commercial Centers). This policy is in conflict with Policy 168 which calls for siting of certain industrial activities; including power generating facilities, in isolated areas. Again, the combination of these two policies leads to a virtual prohibition on coastal siting of such facilities.

Policy 167 (Priority of Coastal Dependent Development). This policy gives priority to a very limited list of coastal dependent developments. However even this priority is limited by the conditions of the policy which state, "Where coastal dependent industrial, commercial and recreational developments... would have a substantial adverse effect on coastal resources, they shall be permitted only if: (1) alternative locations are either infeasible or more environmentally damaging..." The findings define "coastal dependent" as uses that must have an immediate coastal site to be able to function at all. Yet they must meet a test of whether or not they can locate inland if they have any potential for adverse effect on coastal resources.

Again, any alteration of the natural environment can be determined to have an adverse effect. This policy appears to prohibit even the narrowly defined "coastal dependent" uses.

The list of "coastal dependent" uses is very narrow and overly restrictive. A more reasonable measure of coastal dependency is that recommended by the Coastal Zone Management Institute in the publication Coastal Zone Management, which states, "one direct means to measure dependency is the calculation of opportunity costs. Usually the opportunity costs will be a combination of the extra investment needed to create inland the particular coastal zone attributes used in an operation and the extra operating costs associated with an inland operation, such as transportation, and equipment operation. Essentially, the higher the opportunity cost of moving inland, the higher the coastal dependency."

It seems clear that if this method of determining coastal dependency were used, the policies related to energy generation facilities in the Preliminary Coastal Plan would have been considerably less restrictive.

Policy 168 (Location of Industrial development). As noted above, this policy conflicts with Policy 166.

Policy 169 (Regulate Provision or Expansion of Public Utility Services and Transportation). This policy simply makes all existing levels of government and utility and transportation regulation subordinate to narrow, single purpose coastal policies. To avoid major interagency conflicts it will obviously require major changes in existing legislation or in the coastal plan itself.

Policy 172 (Prohibit or Prevent Public Liability for Hazardous Developments). It is not in the public's best interest to deny disaster aid for victims of natural events which may be entirely beyond their control. This policy potentially opens the whole issue to intensive litigation.

Policy 179 (Restoration Measures Desired as Part of New Development). As written, it is open-ended and does not establish any limits on the extent of restoration. Without definition of "if the opportunity exists", there should be criteria as to reasonableness of restoration.

J. Subregional Planning

Policy 183 (Subregional Plans Should Be Prepared for Some Coastal Areas). This policy sets out a process that should have been directly addressed in the Preliminary Coastal Plan itself. But it is left uncertain, to be developed at some future date. Subsection (b) requires that subregional plans: (1) define the nature and extent of the current commitment to development; (2) analyze the changes that would result in these development patterns if coastal plan policies oriented towards specific types of resources are applied; and, (3) examine the implications of these different patterns of development.

Based on this analysis, the subregional plan should (1) resolve questions of the type of development that should have priority (2) indicate where density shifts could or should occur including setting the limits of urban development... (3) determine the relative ability or inability of particular coastal resources areas to tolerate development; (4) indicate the conditions that must accompany different levels of development.

These are functions that should have been accomplished during the planning process. It now appears that there is to be at least a three-tiered process for controlling development on the coast. There is the Coastal Plan itself, the subregional plans and finally, local government implementation of whatever remains. As written, a developer or financial institution would have no reasonable way of anticipating if a proposed development would comply with the "Coastal Plan."

X. Orderly Growth or No Growth?

Coastal Commissioners and staff have repeatedly stated during the hearings on the Preliminary Coastal Plan that there are no proposals in the plan to stop growth or development. This statement of course is in response to testimony that cites over a dozen specific policies that prohibit development, (25, 43, 54, 60, 64, 67, 75, 76, 82, 147, 162, 164, and 165), and over 70% of the policies which severely restrict development.

It has been stated that the figures the Commission has on economic impact of the Coastal Commission's activities indicate that California's economy is depressed statewide and that it is approximately the same in the coastal zone as inland. Again, this is in response to testimony that states that in 1972 residential building activity in the coastal planning area accounted for 24% of the state total which by April of this year had dropped to less than 17%. The planning area's share of apartment house housing construction in 1972 was 30%. Now it is down a third to 21%.

Policy 168 states industrial development should be concentrated in already urbanized areas. Then it lists a series of restrictions on locating industrial development in urbanized areas which conflicts with other broad development policies. It is in fact a restriction on industrial development rather than on encouragement of industrial development. There are other policies that deal with industrial development, all of them placing restriction on development such as policies 25, 43, 54, 60, 65, 76, 147, 162, 164.

Policy 76 (Commercial Recreation Takes Priority Over Other Private Development) deals with development of commercial recreation but it is hardly a policy that favors such development. It states, "private residential, general commercial, or other general industrial development is prohibited unless it can be demonstrated that the site is clearly inappropriate for commercial recreational uses or that the present and foreseeable demand for commercial recreational uses is already provided in the area." That may appear to favor commercial recreation facilities, but even these facilities shall be permitted only where consistent with other coastal plan policies, which are highly restrictive to any kind of development. It should be noted that in the South Coast Region during the past two years, recreational development involved less than 5% of all applications for permits.

It is hardly worth discussing residential development. There are so many policies limiting, prohibiting or giving lowest priority to residential development that they are almost too numerous to list. They range from policy 25, which prohibits development that would have any adverse impact on coastal zone resources, policies 75 and 76, and policies 162, 164 through 167, to mention only a few of the policies that restrict residential development.

In summary, contrary to the reassuring statements by State Commissioners and staff, there are no policies in the plan which foster orderly development in the coastal zone. There are only restrictions and prohibitions.

The preliminary draft of the Intensity of Development element published by the State Commission in June, 1974 stated:

"because the coast is an extremely desirable place to live, work and recreate, the coastal zone should accommodate additional persons to the extent feasible and consistent with resource protection and public benefit. Such accommodation should attempt to capture the best attributes of urbanization and creatively determine the acceptable places, scale intensity rate and methods for development."

The study went on to indicate, concerning residential development:

"the largest, single, private use of land in the coastal zone is for residential development. The coastal zone has its unique desirability for residential development because it contains something that most home buyers want."

Concerning commercial uses, it stated:

"hotels and motels are of particular interest in the coastal zone because they provide the opportunity for increased public access to the ocean even though they occupy only a small fraction of the coastal zone land area."

Concerning industrial development, it stated:

"industrial development is an important component of the economic health of the coastal zone communities."

Finally, the study addressed the question of how much growth and development, and it stated, "ideally this question should be answered within the context of (1) what is desirable from the perspective of the state as a whole, and (2) what is desirable from the perspective of the coastal zone."

Upon review of the Preliminary Coastal Plan, it now appears that only the latter statement has been given any consideration.

The "no growth" bias of the Preliminary Coastal Plan is indicated by the following partial listing of policies which prohibit and restrict development:

A. Marine Environment

Policy 14 (Protect Estuaries and Wetlands)--preserves coastal estuaries, wetlands and buffer areas.

Policy 18 (Restrict Near-shore and Shoreline Structures)--restricts new developments that modify shoreline processes. By so wording, it would prohibit new private development requiring these structures.

B. Coastal Land Environment

Policy 25 (Development Decisions Should Relate to Water Management Plans). Subsection (b) of this policy amounts to a virtual prohibition of all development, stating "New development shall be allowed...only if it can be demonstrated that no adverse impacts will be generated, either directly or indirectly on coastal resources."

Policy 26 (Preserve Significant Natural Areas and Rare Species)--Ecologically significant areas of all coastal natural living communities shall be preserved.

Policy 27 (Restrict Use of Fragile Habitat Areas).

Policy 30 (Preserve Prime Agricultural Lands).

Policy 31 (Maintain Non-Prime Agricultural Lands).

Policy 32 (Permit Only Agriculturally-Related Development on Agricultural Lands).

Policy 33 (Limit Division of Land Within Agricultural Areas).

Policy 34 (Regulate Development and Land Division Near Agricultural Areas).

Policy 43 (New Development Shall Protect Coastal Air Quality)--refineries, freeways, power plants and other "major pollution generating development" are prohibited in critical air areas, unless there is no other less environmentally damaging location inland. Critical air areas include all of the major urban coastal cities.

C. Appearance and Design

Policy 53 (Integrate Development with Natural Environment)--prohibits private structures on open beaches.

Policy 54 (Prevent Development From Blocking Coastal Views)--development shall not be allowed to significantly block any views of the coast.

Policy 60 (Screen Public Service Facilities From View)--no major public service facilities shall be located along the immediate shoreline unless there is no less environmentally damaging alternative. There is no definition of "immediate shoreline", among other deficiencies.

D. Public Access to the Coast

Policy 64 (Public Ownership and Regulation of Coastal Strip)--There is no timetable or estimated cost of public acquisition of the immediate coastal strip. However, the policy calls for restricting development "within the likely area" of the strip until such a determination is made.

Policy 67 (Protect Potential Acquisition Areas)--Until lands designated for public acquisition can be secured, they shall be protected from development. This is an open-

ended moratorium inasmuch as the commission has not designated such potential acquisitions.

Policy 72 (Increase Coastal Access for Low and Moderate Income Persons)--requires replacement of low and moderate income housing with only low and moderate income housing. As written, no other use could be made, despite economic considerations or practicalities.

E. Recreation

Policy 75 (Consider Public recreational Potential Before Allowing Other Uses)--requires consideration of the possible public recreational use of each shoreline property before any development is permitted. This amounts to a virtual moratorium on coastal development.

Policy 76 (Commercial Recreation Takes Priority Over Other Private Development)-- private residential, general industrial or general commercial developments shall be permitted only if it can be demonstrated that the site is clearly inappropriate for commercial recreational uses...or that present and foreseeable future demand for commercial recreation uses is already adequately provided in the area. This amounts to a prohibition on private residential, general industrial and general commercial development.

Policy 82 (Balance Development With Open Space and Recreation Facilities)--requires local government to develop recreation and open space plans that include financing methods and an acquisition timetable. Until such plans are adopted, in accordance with coastal agency requirements, new residential development is tied to a specific open space and recreation program.

F. Transportation

Policy 116 (No Additional Major Port Areas Required).

G. Energy

Policy 147 (Minimize Refinery Construction Along the Coast)--has the cumulative impact with other related policies to virtually prohibit construction of new refinery facilities.

H. Development

Policy 162 (Basic Goals and Policies Governing Coastal Zone Development---requires that development be concentrated in already-developed areas or in other areas where no potential exists for significant adverse impacts on coastal resources..." Rather than encouraging orderly development this is in effect another prohibition on coastal development.

Policy 164 (Concentrate Development In Already Urbanized Areas)--contains the "not adversely affect coastal resources" clause which effectively precludes any development.

Policy 165 (Criteria for Division of Land)--requires fulfillment of six restrictive tests before division of land may occur.

XI Summary

In conclusion, the Preliminary Coastal Plan, which was developed at a cost of \$6 million, at a minimum proposes at least 25 policies that severely restrict various kinds of development in the coastal zone. Six of these proposed policies could be used to stop virtually any development in the coastal zone. There is no discussion in the entire plan as to the proposed geographic area in which these policies will apply. In the absence of any information to the contrary, one must assume that they apply to the coastal planning area defined in Proposition 20 and the none too clear maps contained in the Preliminary Coastal Plan.

This means that the Preliminary Coastal Plan would or could establish a permanent development moratorium on \$66 billion in property in the coastal zone alone. It could severely limit the activities of over 4.5 million Californians who reside in the area and at the same time place great restrictions on the mobility of goods and services in the coastal zone. While the proposed policies would impose substantial social and economic costs on California as a whole, a disproportionate share might be borne by those of limited economic means and residential mobility.

Low and moderate income groups would benefit relatively little from the policies presently proposed in the Preliminary Coastal Plan. Meanwhile, these persons who would bear disproportionately the impacts of curtailed economic growth, altered urban and rural development trends, artificially constrained capacities to absorb population increases, and higher consumer prices for energy and manufactured products. Such impacts would compound the difficulties faced by all levels of government in responding

to the needs of the poor, the elderly, racial minorities and persons otherwise disadvantaged.

5/28/75

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